

CITY COUNCIL MINUTES

Tuesday, April 6, 2004 7:30 PM

**MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL
CONFERENCE CENTER, 1000 SPRING STREET**

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

Lead by Scout Kyle Alexander, Boy Scouts of America, Troop 101

INVOCATION

ROLL CALL Councilmembers George Finigan, Jim Heggarty, Gary Nemeth, Duane Picanco and Mayor Frank Mecham

PUBLIC COMMENTS - None

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App announced that the Agenda Item No. 5 appeal has been withdrawn and Consent Item No. 18 has been recommended for deferral.

Councilmember Nemeth expressed appreciation to the City of Santa Cruz—their mayor and staff—for hosting the February 2nd earthquake review workshop in Santa Cruz and inviting Paso Robles City Councilmembers, Planning Commissioners, and staff to attend.

PRESENTATIONS

1. **San Luis Obispo County Sales Tax Measure**

J. App, City Manager

Re-consider a possible Countywide ¼ cent sales tax ballot measure to fund Libraries. (The County Board of Supervisors will be asked to place a library sales tax measure on the November 2004 ballot. If approved, the measure will include Paso Robles. If passed, revenue generated by the increase will be exclusively for library materials and services. The measure does not consider or address funding requirements for other essential public services.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to encourage the County Board of Supervisors to place a general sales tax measure on the November ballot and, in addition, urge the Board to deny any proposal for a sales tax measure intended solely for libraries.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham

NOES: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARINGS

2. **Determination of Historic or Architectural Significance of Two Commercial Buildings at 1236-38 Pine Street and a Request to Process a Pending Demolition Permit Application (Demolition 04-005 – Applicant: Woodland Family Trust)**

R. Lata, Community Development Director

Consider making a determination of historic or architectural significance of two buildings proposed for demolition and authorizing a demolition permit. (Buildings are located at 1236-38 Pine Street. Although the subject buildings are in the City's Historic Resources Inventory and the State's Historic Properties Directory, they are not on any local or State Register of historic structures.)

Mayor Mecham opened the public hearing. Speaking from the public were Nick Gilman (representing the Woodland Family Trust), and Dale Gustin. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to determine to (1) approve Resolution No. 04-65 adopting a Negative Declaration, pursuant to the requirements of the Guidelines for implementing the California Environmental Quality Act (CEQA), and (2) direct that the demolition permit application be processed. Any replacement structure(s) will be the subject of a future Planned Development application and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

3. Determination of Historic or Architectural Significance of Two Commercially Zoned Buildings at 1446 Park Street and 818 15th Street and a Request to Process a Pending Demolition Permit Application (Demolition 04-006 – Applicant: Mr. & Mrs. Mole)

R. Lata, Community Development Director

Consider making a determination of historic or architectural significance of two buildings proposed for demolition and authorizing a demolition permit. (Buildings are located at 1446 Park Street and 818 15th Street. Although the subject buildings are in the City's Historic Resources Inventory and the State's Historic Properties Directory, they are not on any local or State Register of historic structures.)

Mayor Mecham opened the public hearing. Speaking from the public were Chris Mole, Hans Mumper (project architect), and Dale Gustin. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to determine to (1) approve Resolution No. 04-66 adopting a Negative Declaration, pursuant to the requirements of the Guidelines for implementing the California Environmental Quality Act (CEQA), and (2) direct that the demolition permit application be processed. Any replacement structure(s) will be the subject of a future Planned Development application and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval.

Motion passed by the following roll call vote:

AYES: Finigan, Heggarty, Nemeth, and Mecham
NOES: Picanco
ABSTAIN: None
ABSENT: None

4. Determination of Historic or Architectural Significance of Part of a Residential Structure at 530 Maple Street and a Request to Process a Pending Demolition Permit Application (Demolition 04-007– Applicant: Karen Gouze)

R. Lata, Community Development Director

Consider making a determination of historic or architectural significance of a portion of a residential structure and authorizing a demolition permit. (Request is to demolish an unreinforced masonry portion of a residential structure at 530 Maple Street. The part of the home proposed for demolition is listed in the City's Historic Resources Inventory and the State's Historic Properties Directory, it is not on any local or State Register of historic structures.)

Mayor Mecham opened the public hearing. Speaking from the public were Karen Gouze, Rand Salke (project architect), Mike Menath, Kathy Barnett, and Nick Gilman. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to determine to (1) approve Resolution No. 04-67 adopting a Negative Declaration, pursuant to the requirements of the Guidelines for implementing the California Environmental Quality Act (CEQA), and (2) direct that the demolition permit application be processed. Any replacement structure(s) will be the subject of a future Planned Development application and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

Councilmember Finigan stepped down from the dais and abstained from voting on Item No. 5 due to a possible conflict of interest, his residence being in the project area.

5. Appeal of Planning Commission Decision to Approve Planned Development 03-016 (La Quinta Hotel Project – Applicant: Arciero and Sons)

R. Lata, Community Development Director

In a letter dated March 26, 2004, Arciero and Sons withdrew their appeal of the Open Space Easement Requirement as required by Condition 14 of the Planned Development. (This appeal focused on an open space easement over the oak woodland area along the south side of Experimental Station Road. The project is a 101 room hotel and 5,000 square foot restaurant at the northeast corner of Buena Vista Drive and Highway 46 East.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public hearing was closed.

Councilmember Picanco, seconded by Councilmember Nemeth, moved to receive and file applicant's letter withdrawing appeal of the Open Space Easement.

Motion passed by the following roll call vote:

AYES: Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: Finigan
ABSENT: None

Councilmember Finigan returned to deliberations.

6. Appeal of Planning Commission Approval of Development Plan 01-025 (Black Ranch Resort Project)

R. Lata, Community Development Director

Consider an appeal filed by Matt Masia regarding the Planning Commission's approval (on a 6-0 vote) of the Black Ranch Resort Project on February 24, 2004. (Property is bounded by Hwy. 46 to the south, Dry Creek Road and Paso Robles Airport to the north. Project is a resort with 280 hotel rooms/cottages/casitas, conference facilities, and golf courses and other recreation facilities on approximately 386 acres.)

Mayor Mecham opened the public hearing. Speaking from the public was Matt Masia. There were no further comments from the public, either written or oral, and the public hearing was closed.

Based on the City Council having confirmed the applicability of the 1977 Airport Land Use Plan to the approved Black Ranch Resort Project, and based on the established requirements of the City's General Plan, Zoning, and Zoning Code, and based on the City Council's approval of the use of Agricultural wells to provide for irrigation of future golf courses on the subject property, Councilmember Nemeth, seconded by Councilmember Finigan, moved to deny the appeal and uphold the Planning Commission's approval of the Black Ranch Resort Project subject to the conditions of approval contained in Planning Commission Resolution No. 04-008.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

7. Rezone 03-008 (Charter Pacific)

R. Lata, Community Development Director

Consider an application filed by the Charter Pacific Group to apply Planned Development (PD) Overlay zoning over a 23.3 acre, R-1 (Residential Single Family) zoned site. (Site is located at the terminus of Red Cloud Road and Navajo Avenue – Coates property. The rezone request is in conjunction with Tentative Tract 2593 and PD 03-019 that would allow for the development of a 55-lot single family residential subdivision. The Planning Commission approved the Tract and Development Plan on March 23, 2004, on a 7-0 vote.)

Mayor Mecham opened the public hearing. Speaking from the public were Constance Beattie, Bud Franklin, Dale Gustin, Shaun Thomas, James Beattie, and Kathy Barnett. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to determine to introduce Ordinance No. xxx N.S. approving Rezone 03-008 establishing Planned Development Overlay zoning over the site to allow for modifications to the subdivision design to work around the Critical Root Zone of the existing oak trees in relation to Tract 2593; and set April 20, 2004, as the date for adoption of said Ordinance.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

8. Rezone 03-009 (Peterson / Franklin)

R. Lata, Community Development Director

Consider an application filed by Leo Michaud on behalf of the Petersons and Franklins to apply Planned Development (PD) Overlay zoning over two R-1 (Residential Single Family) zoned parcels, totaling 2.87 acres. (Properties are located at 723 and 733 Rolling Hills Road. The rezone request is in conjunction with Tentative Tract 2593 and PD 03-019 that would allow for the development of a 55-lot single family residential subdivision. The Planning Commission approved the Tract and Development Plan on March 23, 2004, on a 4-3 vote.)

Mayor Mecham opened the public hearing. Speaking from the public were Ken Wilson (representing the applicant), Jocko Cutter, Bud Franklin, and Kathy Barnett. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to introduce Ordinance No. xxx N.S. approving Rezone 03-009 establishing Planned Development Overlay zoning over the 2-parcel site to allow for modifications to the side yard setbacks applying to Lots 1 and 7 only, in relation to Tract 2358; and set April 20, 2004, as the date for adoption of said Ordinance.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

City Council took a 5-minute break at 9:03 p.m.

CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. Speaking from the public was Dale Gustin. There were no further comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items Nos. 9 – 11, 13 – 17, and 19 - 20 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with the exception of Item No. 12 being pulled for discussion and Item No. 18 being deferred; with Councilmember Finigan abstaining on Consent Items Nos. 13 and 14 due to a possible conflict of interest (his personal residence being in the project area); and with Councilmember Picanco abstaining on Warrant Register Items Nos. 046529, 046819 and 046854.

9. Approve City Council minutes of February 19, March 4, March 11, and March 16, 2004.
D. Fansler, City Clerk

10. Approve Warrant Registers: Nos. 46465-46602 (2/27/04), 46603-46735 (3/19/04), and 46736-46860 (3/26/04)
M. Compton, Administrative Services Director
11. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory Committee meeting of February 26, 2004
Housing Authority meeting of March 9, 2004
Library Board of Trustees meeting of February 12, 2004
Parks & Recreation Advisory Committee meeting of February 10, 2004
Pioneer Museum Board meeting of February 12, 2004
Senior Citizen Advisory Committee meeting of February 9, 2004
Youth Commission meeting of February 4, 2004
13. Read, by title only, and adopt Ordinance No. 871 N.S. amending Title 21 of the Zoning Code of the Municipal Code to approve a zoning map change establishing a Resort / Lodging Overlay for property zoned R-1 (Single Family Residential) – Zone Change 03-005. (The La Quinta project [Planned Development 03-016] consists of a development by Arciero & Sons, Inc. to construct a 61,074 square foot, three story hotel with a 5,000 square foot restaurant, ancillary swimming pool, parking lot and landscaping. The 1.4 acre project site is located on the northeast corner of Highway 46 East and Buena Vista Drive.) 1ST READING MARCH 16, 2004
14. Read, by title only, and adopt Ordinance No. 872 N.S. amending the Borkey Area Specific Plan to accommodate Planned Development 03-016 and Rezone 03-007. (Project site is located at the northeast corner of Highway 46 East and Buena Vista Drive. The Planning Commission has approved the development plan and associated Negative Declaration for this project and recommended that Council approve the Rezone and BASP Amendment.)
1ST READING MARCH 16, 2004
15. Proclamation National Volunteer Week – April 18 -24, 2004
F. Mecham, Mayor
16. Authorize City Manager to award a contract to prepare a storm drain atlas to John L. Wallace & Associates for a not-to-exceed fee of \$21,910. (Preparation of a storm drain atlas map is the first step in updating the City's Storm Drain Master Plan. A Request for Proposals was issued in December 2003, with John L. Wallace & Associates being low bidder.)
M. Williamson, Interim Director of Public Works
17. Adopt Resolution No. 04-68 awarding a construction contract to repair earthquake damages to Fire House No. 1 and 2, Transportation Center, and Airport Terminal buildings to Don Thiessen Construction in the amount of \$23,970. (One bid was received on March 26th for \$23,970. Staff reviewed the bid submitted by Don Thiessen Construction and finds it to be responsive.)
M. Williamson, Interim Director of Public Works
18. Adopt Resolution No. 04-69 awarding a construction contract to repair earthquake damages to the City Hall/Library building to low-bidder Newton Construction & Management, Inc. for \$124,263. (Three bids were received on March 25th, ranging from a low of \$124,263 to a high of \$276,133. Staff reviewed the low bid submitted by Newton Construction & Management and finds it to be responsive.)
M. Williamson, Interim Director of Public Works

Staff recommended that this item be deferred.

19. Adopt Resolution No. 04-70 awarding a janitorial contract to Clean Sweep Janitorial for \$12,310/month. (Bids were solicited and specifications provided to all requesting individuals. Five bids were received on March 18th, ranging from a low bid of \$12,310 per month to a high bid of \$33,554 per month. Staff reviewed the low bid submitted by Clean Sweep Janitorial and finds it to be responsive.)
M. Williamson, Interim Director of Public Works
20. Adopt Resolution No. 04-71 accepting the Irrevocable and Perpetual Offers of Dedications for landscape and water line easements on Lots 6 and 7 of Tract 2296. (The easements are located along the northerly boundary of Tract 2296, located on Signora Rosa Court, and are for the purpose of landscaping along Highway 46.)
R. Lata, Community Development Director

CONSENT ITEM PULLED FOR DISCUSSION:

12. Ratify Settlement Agreement and Acquisition of the W. & D. Heer property for the 13th Street Bridge Expansion Project.
J. App, City Manager

Mayor Mecham opened the public hearing. Speaking from the public was Walt Heer. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 04-64 accepting a deed to certain property within the City executed by Donna L. Heer on March 8, 2004, and authorizing and directing the City Clerk to record same with the Recorder of San Luis Obispo County.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
 NOES: None
 ABSTAIN: None
 ABSENT: None

DISCUSSION

21. **Request to Remove Two Oak Trees – 516 Red River (Kevin and Dawn Hunt)**
R. Lata, Community Development Director

Consider a request to remove two Blue Oak trees, one 12-inch and one 17-inch diameter. (Trees are located within the area of a proposed new house at 516 Red River Drive on Lot 101 of Shadow Canyon Tract 2281.)

Mayor Mecham opened the public hearing. Speaking from the public were Kevin Hunt, Chip Tamagni, and Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Nemeth, moved to adopt Resolution No. 04-72 approving the removal of two native Blue Oak trees totaling 29 inches at 516 Red River Drive in order to construct a new home on the vacant lot; and require a replacement ratio of 7.5 inches of Blue Oaks, which shall be planted on site in proper locations and proper techniques per the arborist prior to the occupancy of any building or other horticulture professional and/or the trees can be donated to the City for future planting in a public area.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco, and Mecham
NOES: Heggarty
ABSTAIN: None
ABSENT: None

22. Use of Septic System – Ravine Water Park, Airport Road (Butterfield)

R. Lata, Community Development Director

Consider a request to allow septic tank usage with the development of the Ravine Water Park at the northwest corner of Highway 46 and Airport Road. (Property owners are seeking Council approval for use of a septic tank and leach system to serve restrooms associated with the development of the Ravine Water Park. The nearest available sanitary sewer main is at the intersection of Dry Creek Road and Airport Road, approximately 6,500 feet to the north.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to Resolution No. 04-73 authorizing continued usage of a septic system for the Ravine Water Park at the northwest corner of Highway 46 and Airport Road (APN 025-433-002) subject to Conditions “a” through “k” as stated in Municipal Code Section 14.08.070 K 4 “Conditions.”

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

23. Relocation of School House to Pioneer Park

R. Lata, Community Development Director

Consider approving relocation of an historic one-room Geneseo school house to Pioneer Park and waive related fees. (Dr. Bob Bryant requests on behalf of the Pioneer Museum that Council approve moving the school house from a county location to Pioneer Park for preservation and display. A waiver of related fees is requested as the school house would be located on City-owned property.)

Mayor Mecham opened the public hearing. Speaking from the public were Dr. Bob Bryant (President of Pioneer Museum) and Bonnie Nelson. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to authorize locating the Geneseo school house at the Pioneer Museum in Pioneer Park and waive the applicable fees.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

24. North River Road Improvements

A. Robb, Librarian

Consider a concept proposal from the Paso Robles Youth Sports Council (PRYSC) for improving City-owned property on North River Road for the purpose of providing a practice site for youth and adult sports. (Property is located between N. River Road and the Salinas River, immediately south of City limits and north of the N. River Road lift station. Improvements would include minor grading, approximately 4.75 acres of turf and irrigation, with no permanent or temporary structures planned. All installation would be the responsibility of the PRYSC.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to direct the Paso Robles Youth Sports Council to present to the City a comprehensive improvement, maintenance, and operation plan for staff analysis and review.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

25. Wastewater Treatment Plant NPDES Discharge Permit Progress Report

M. Williamson, Interim Public Works Director

Receive an update concerning the City's Wastewater Treatment Plant discharge permit renewal. (The City is moving forward with renewing its discharge permit. Meeting new stricter standards presents significant challenges.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to receive and file.

Motion passed by unanimous voice vote.

26. Mineral Hot Spring – City Hall / Library Parking Lot Repair

M. Williamson, Interim Public Works Director

Consider preparation of plans and specifications for repair of the City Hall / Library parking lot. (The December 2003 San Simeon earthquake ruptured a thermal sulfur spring that surfaced in the City Hall/Library parking lot. In response to a Request for Qualifications [RFQ] for engineering firms to propose spring mitigation and parking lot repair alternatives, Boyle Engineering and Fugro suggested a joint effort using their respective expertise in structural, civil and soil mechanics engineering to develop a repair protocol.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 04-74 (1) appropriating \$118,300 from Account No. 100-820-5452-260; and (2) authorizing the City Manager to enter an Agreement with Boyle/Fugro for preparation of plans and specifications to repair the parking lot damage caused by the December 22, 2003, earthquake for a not-to-exceed sum of \$118,270, with the caveat that FEMA be consulted to determine if they can offer design assistance or provide alternative recommendations.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

27. Additional Street Maintenance Grant

M. Williamson, Interim Public Works Director

Consider appropriating additional funds for the 2004 Annual Street Maintenance Budget. (In 2002, the City filed an application with the San Luis Obispo Council of Governments [SLOCOG] to perform pavement rehabilitation on Creston Road from Meadowlark to Scott Street. SLOCOG recently informed the City that \$278,000 in grant monies is now available in the Urban State Highway Account.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 04-75 appropriating an additional \$278,000 to the 2004 Annual Street Maintenance Project, Budget No. 200.910.5452.594.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

28. Municipal Pool Changing Room

M. Williamson, Interim Public Works Director

Consider appropriating additional funds and approving a change order for the Municipal Pool Changing Room Project. (On March 11th, Council allocated \$120,155 to the Municipal Pool Project from the City’s allotment of 2004 Community Development Block Grant [CDBG] funds to cover additional bid additives. An appropriation at this time from the Facility Repair Fund will be reimbursed when the CDBG funds are received.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 04-76 (1) appropriating an additional \$120,200 to Budget No. 227.910.5452.487 from Fund 119.000.4713.184, which will be returned once CDBG reimbursement is received; and (2) approving a change order to Newton Construction & Management for \$48,026.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

Council took a 5-minute break at 10:30 p.m.

29. Theatre Drive Plan Line

R. Lata, Community Development Director

Consider adoption of a standard for the pavement width and alignment of new curb, gutter, and sidewalk on Theatre Drive from the Target Center south to City limits. (Significant constraints must be considered in the design of improvements to Theatre Drive in this corridor. The Streets and Utilities Committee is recommending implementation of the Standard Lane Widths as outlined in the Associated Transportation Engineers’ report for future development along Theatre Drive, with the exception that Option “B” Modified may be applied where significant obstructions, such as mature oak trees, exist and must be protected.)

Mayor Mecham opened the public hearing. Speaking from the public were Michael Kane and Mike Menath. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 04-77 establishing a standard for the improvement of Theatre Drive from the Target Center to south City limits as shown on Exhibit A, including standard lane widths, provisions for bike lanes, and provisions for modifying the alignment of the bike lanes to avoid impacts to existing oak trees.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

30. Utility Trench Repair Standards

R. Lata, Community Development Director

Consider adopting new standards for pavement repairs associated with utility trenching. (Proposed trench repair standards are designed to mitigate the impact of utility trenches on the life and durability of streets.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 04-xx revising Standard Drawing U-2 as shown in Exhibit A and adopt new City Standard Drawing U-2A as shown on Exhibit B and add text to the City Standard specification as noted in Exhibit C, but delay implementation of the new standards for 30 days to allow time to determine if language regarding fabric needs to be incorporated, to research curb and gutter issues, existing standards in other cities, compaction issues, and contact the utility companies to inform them of the City's recommended action and obtain their input.

Councilmember Heggarty withdrew his motion.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to defer this item to a future meeting to allow time for the City Engineer to research pending issues and bring item to the Streets and Utilities Committee, inviting representatives of the utility companies to attend.

Motion passed by unanimous voice vote.

31. Barney Schwartz Park Concessions

A. Robb, City Librarian

Consider options for Barney Schwartz Park (BSP) concession operations. (In December 2003, Council directed staff to enter into a contractual agreement with NCI Affiliates, the sole company responding to a solicitation to operate concessions at BSP. NCI declined to enter a contract and BSP is currently without a contract concessionaire. Council's ad hoc committee suggests soliciting requests for proposals with and without the sale of alcoholic beverages.)

Mayor Mecham opened the public hearing. Speaking from the public were Mike Menath and Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to (1) direct staff to send out request for proposals for the operation of concession stands at Barney Schwartz Park that would either include or exclude alcohol sales; and (2) extend duration of the ad hoc committee to June 1, 2004, as the work of the committee is not yet complete.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

32. Landscape & Lighting District: Under-funded Sub-area Communications

M. Williamson, Interim Public Works Director

Consider a Landscape and Lighting sub-area communications program, contracting with low bidder Barnett Cox. (In November 2003, Council directed staff to correct certain sub-area landscape deficiencies within the Landscape & Lighting District and re-ballot to increase assessments in sub-areas with a deficient budget. Proposals were solicited to perform neighborhood communication efforts prior to re-balloting.)

Mayor Mecham opened the public hearing. Speaking from the public was Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to authorize the City Manager to engage the services of Barnett Cox for \$22,335 to assist staff in developing a communication program with the homeowners in the deficit sub-areas of the City's Landscape and Lighting District.

Motion passed by the following roll call vote:

AYES: Finigan, Heggarty, and Nemeth
NOES: Picanco and Mecham
ABSTAIN: None
ABSENT: None

CITY MANAGER - None

CORRESPONDENCE

33. Historical Society Request

Letter from the Paso Robles Area Historical Society requesting the creation of a program for recognizing and designating properties of historic significance within the City of Paso Robles and a Mills Act Program to offer those with designated historic properties the opportunity to maintain their properties with the assistance of this property tax abatement program.

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to receive and file.

Motion passed by unanimous voice vote.

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

34. Citywide User Fee Study – Ad Hoc Committee

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to review the Citywide user fee study and make implementation recommendations to the full Council.

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Council, by general consensus, appointed Councilmembers Finigan and Heggarty to a two-member ad hoc committee to assist in the review and analysis of the citywide user fees (non-utility) and report back to the full Council no later than June 30, 2004.

Motion passed by unanimous voice vote.

35. Community Facilities Districts & Related Tools to Ensure Fiscal Neutrality – Ad Hoc Committee

R. Lata, Administrative Services Director

Consider appointing an ad hoc committee to work with staff and David Taussig & Associates to formulate the scope of the Community Facilities Districts (CFDs) and related tools.

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Council, by general consensus, appointed Mayor Mecham and Councilmember Nemeth to a two-member ad hoc committee to assist in the review and analysis of the Citywide user fees (non-utility) work with staff and the City's consultant on CFDs and Development Impact Fees related to implementing the General Plan policy of "fiscal neutrality" and report back to the full Council no later than October 19, 2004.

Motion passed by unanimous voice vote.

COUNCIL COMMENTS

- Mayor Mecham queried staff as to when repairs to the earthquake damaged water tanks will be completed.

PUBLIC COMMENT ON CLOSED SESSION - None

Deputy City Attorney Jon Seitz announced Council's authority to go into closed session to discuss the item listed on the agenda.

Council moved to adjourn from regular session at 11:50 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 12:10 AM on Wednesday, April 7, 2004.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Seitz announced that Council received an update from the City's negotiator on the Closed Session items, and there was no reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 12:12 AM on Wednesday, April 7, 2004.

ADJOURNMENT: to THE REGULAR MEETING AT 7:30 PM ON TUESDAY, APRIL 20, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved:

**THESE MINUTES ARE NOT OFFICIAL OR A PERMANENT PART OF THE RECORDS
UNTIL APPROVED BY THE CITY COUNCIL AT THE NEXT REGULAR MEETING.**